

9-7A. Part B, Public Water Systems: Findings of Noncompliance, Notification, and Technical Assistance (1200 TN 451)

1. **AUTHORITY.** To perform the following functions relating to enforcement and technical assistance pursuant to the Safe Drinking Water Act, Part B:
 - a. Pursuant to section 1414(a)(1)(A) of the SDWA, finding that a public water system does not comply with any applicable requirements (as defined in section 1414(i) of the SDWA) during a period in which a State has primary enforcement responsibility; notifying the primacy State and the public water system of such a finding; and providing advice and technical assistance to the primacy State and public water system as may be appropriate to bring the system into compliance;
 - b. Pursuant to section 1414(a)(2) of the SDWA, finding that a public water system does not comply with any applicable requirements during a period in which a State does not have primary enforcement responsibility, and notifying an appropriate local elected official, if any, with jurisdiction over the public water system prior to taking enforcement action in the non-primacy State;
 - c. Pursuant to section 1414(d) of the SDWA, finding that a public water system in a state does not comply with national secondary drinking water regulations within a reasonable time after such secondary regulations have been promulgated, and that such noncompliance with secondary drinking water regulations appears to result from a State's failure to take reasonable action to assure that public water systems throughout the State meet such secondary regulations; and notifying the State of such noncompliance; and
 - d. Pursuant to section 1414(f) of the SDWA, providing appropriate notice of and holding public hearings for the purpose of gathering information; issuing recommendations to a primacy State and public water system on the basis of such hearings; and making such recommendations available to the public and communications media.
2. **TO WHOM DELEGATED.** Director, Water Protection Division (WPD); associate director, Office of Drinking Water and Source Water Protection, WPD; and Chief, Ground Water and Enforcement Branch, WPD.
3. **LIMITATIONS.**
 - a. Delegates must consult with regional counsel before exercising authorities 1.a. and 1.c., before making a finding of noncompliance under authority 1.b., and before issuing recommendations under authority 1.d.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the branch chief level, and no further. This authority may not be redelegated.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the


chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. 40 C.F.R. Parts 141 and 142
- b. Guidance on PWS Administrative Order Procedures

6. **SUPERSESSION.** Delegation Manual, SDWA, Regional Delegation 9-7-A. Finding and Notification of Noncompliance – Part B, 1200 TN RIII-138 (October 26, 2000).

Date 1/12/2017


Shawn M. Garvin *SG*
Regional Administrator